

**Alexandria Township
Land Use Board
Meeting Minutes October 15, 2020**

Chair Phil Rochelle called the regular scheduled meeting of the Alexandria Township Land Use Board to Order at 7:43pm. The meeting was duly noticed.

MEMBERS PRESENT: Chair Rochelle, Papazian (7:45pm), Fritsche, Freedman, Tucker, Deputy Mayor Kiernan, Pauch and Kimsey

MEMBERS ABSENT: Gianonne, Canavan, Committeeman Pfefferle and Hahola

OTHERS PRESENT: Kara Kaczynski-Board Attorney, Tom Decker-Board Engineer, and David Banisch – Board Planner, Gaetano De Sapio-applicant attorney, Yuuji Crance, Charles Bonin, Jay Troutman, Jocelyn Manship, Jay Thatcher–Applicant attorney, Kathy Lindaberry, Tammy Bennett, Terry Bolan.

Approval of the September 17, 2020 Meeting Minutes

A motion to approve the September 17, 2020 meeting minutes was made by **Tucker** and seconded by **Fritsche**. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Tucker, Deputy Mayor Kiernan, and Kimsey. Abstain: Pauch. No Nays. Motion Carried.**

Approval of Bills

A motion was made to approve the bills for the professionals of the Land Use Board by **Pauch** and seconded by **Fritsche**. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Tucker, Deputy Mayor Kiernan, Pauch, and Kimsey. No Nays. Motion Carried.**

New and Pending Matters

- **Bush-Bennett – Use Variance**
Block 7 Lot 15
536 Woolf Road

Kaczynski advised that Class I and Class III Board members need to be recused. She verified all members present at this Board meeting were also present at the original public hearing on August 20, 2020 as well. At 7:50pm, **Deputy Mayor Kiernan** was recused. Mr. Thatcher was present to represent the applicant. Jay Thatcher representing the applicant Tammy Bush-Bennett recapped that his client presented her testimony at the prior hearing as well as the applicant's engineer, Mr. Ingram. They reconvened the hearing in order to give the applicant time to do OPRA requests to get more information from the municipality and more information on the septic. The engineer could not be here tonight due to a conflict with another hearing. Thatcher called Tammy Bennett as a witness and reminded her that she is still under oath. He advised that he would review the documents that were delivered to the Municipality. **Kaczynski** marked the OPRA documents as Exhibit A-2. She advised if there were any documents that were not part of the OPRA request or that were not submitted to the Board be marked separately. Thatcher asked the applicant if Ms. Bush-Bennett recalled the first OPRA request submitted in December 2019 and that the first request was denied for documents to the tax assessor. Thatcher

reviewed the photographs that were submitted to the Board as Exhibit A-3. For identification Thatcher referred to the documents as House #1 and House #2, he advised House #2 is the house in question which is the second home identified as House #538, the first house is house #536, he advised the top 3 rows of the photograph are House #538. Ms. Bush-Bennett advised the Board it is the pictures on page 1, of the light blue house. House #1 of the original farm house is white. She advised the third photo of the first row is a picture of the house in question. The next six photographs are of the interior of the home, there is a kitchen, dining room, bedroom, bathroom and is an extension put onto the barn. She advised none of those pictures are representative of the barn, the home was an extension of the barn. The pictures were taken by a real estate agent and the pictures are representative of the home today. Thatcher advised the applicant contacted JCP&L to find out when #538 first had service. Customer Service First Energy sent an email dated September 21, 2020 advising that service was established May 7, 1990. This was marked as Exhibit A-4. Thatcher said it was his understanding that the old farmhouse was serviced by a cesspool and the second house #538 has a septic system, Ms. Bennett confirmed that statement to be true. They received a notice of repair/alteration completion from the Hunterdon County Board of Health indicating that the septic had been finalized on February 29, 2000. The applicant and applicant's attorney received a copy of the inspection completion, copy of the application by Bohren and Bohren Engineering, a copy of the approved application from the Hunterdon County Health Department, and copies of the plans. These exhibits were marked as A-5.

Next Thatcher went to the map that was submitted when there was a subdivision lot line adjustment for this lot and block done in 2004-2005. This map was also used when her parents put the property into Farmland Preservation. There is a small rectangle on the map which shows a two-story frame residential dwelling on one side and two-story frame residential dwelling on the other side of the square. This survey map shows two-family single-family residences on this lot and block in 2004. Ms. Bennett confirmed that she participated in these applications. Thatcher asked if there was any issue concerning two houses on this lot and she said no. She also stated that on the Deed of Easement that it clearly states that there are two dwellings on this lot. Thatcher advised that In the Deed of Easement in Paragraph 13B refers to this rectangle as the exception area and quoted the deed "In the exception area shall be limited to two existing single-family dwellings". Ms. Bennett confirmed that. Thatcher advised that this is not only what the Deed of Easement says but also the survey map. This was the documentation utilized when her family did the lot line adjustment and when her family did the Farmland Preservation. She advised this is correct and that the lot line adjustment came first and then the sale of the development rights came second.

Thatcher also advised that Ms. Bennett made application to the Alexandria Code Enforcement for a Construction Records Clearance Certificate back in the spring of 2018. Ms. Bennett confirmed. She specifically requested clearance for 536 & 538 Woolf Rd. In fact, she received construction clearance for both of those addresses. She confirmed and advised there was one outstanding permit, however the inspector came out, signed off and gave approval. A copy of the Code Enforcement clearance certificate and a certificate of approval was provided to the Board. At that same time, she applied for a Certificate of Smoke Alarm, Carbon Monoxide Alarm and Portable Fire Extinguisher Compliance for both properties, 536 Woolf Road and 538 Woolf Road. Ms. Bennett confirmed. She confirmed she received a Certificate of Compliance for both properties. Thatcher continued that no one in 2018 made any indication to the applicant that there was any problem with two houses on one lot. She advised that is correct. Thatcher said it was not until well after a year later that it became an issue. Thatcher advised that they were provided a letter from 1990 from the Zoning Officer for Alexandria which was William Bachenberg that he sent to John Leonard who at the time was a construction official. The letter asked Mr. Leonard if he would investigate the fact that "Jerry Bush, the son of Edward Bush, was living in what

used to be an old milk house”. Ms. Bennett recalled that letter. The date of the letter is July 11, 1990 which was provided to the Board. He continued that in September 13, 1990, Mr. Leonard wrote to the Hunterdon County Health Department. He advised that the letter said “Dear Ed, per my request to have you investigate a complaint I received about Jerry Bush and family living in a converted milk house without benefit of sanitary facilities at the above referenced property, I am requesting a written status report so that I can proceed with my obligation in this matter.” Thatcher advised there is nothing in the records that says what happens after. He also presented 5 construction permits. Permit #AT175-94 and there are 5 permits for building, electrical, plumbing, and fire protection. These were part of the packet dated October 21, 1994. Ms. Bennett confirmed that these were all for the second house #538. There was also a letter dated January 25, 1996 addressed to Edward Bush, basically saying that they haven’t done what they were supposed to do with respect to the septic and the Department of Health. Edward Bush was given a 60-day time to complete the work. The letter goes on to say that failure to comply will result in further legal action. It is from a sanitary inspector. The applicant also received as part of the OPRA request, a notice of violation dated September 7, 1999 from the County basically saying to take notice that you have been found to be in violation of the State Uniform Construction Code Act and regulations of an occupied dwelling without a certificate of occupancy. There was no record of CO but the Septic was approved by the County on February 29, 2000. Ms. Bennett confirmed.

Thatcher advised that in addition on the OPRA request that they asked for information from the Assessor and the Collector to find out what they were taxing on this property and when. As of calendar year 2004, the net taxable value on this property was \$180,000 land, \$220,00 improvement and \$145,200 improvement for a total of \$545,200 net taxable value. He advised it was clear to him that they have been taxing for two separate residences on the property for some time. Finally, they received a letter, Exhibit A-6, on November 20, 2019 from Stacey Butewicz, licensed equestrian real estate agent, who attached the tax record that shows two single family homes and also a record of when the property was put in Farmland Preservation. She wrote that she was surprised this would get past Farmland Preservation. Ms. Bennett advised that she only wanted to add that when she spoke with JCP&L that they had told her they would not have connected any power to a structure that did not have township approval on the electrical work that was done. She said that it was done and certified by Frank Hahola from Mt. Salem Electric even though she does not have any paperwork on that. **Chair Rochelle** asked the Board if there were any questions. Roll Call **Papazian** – no questions, **Fritsche** – no questions, Ms. **Freedman** asked if the second house has its own well. Ms. Bennett advised that it does not. She advised the well is shared between the two homes. **Tucker** – no questions, **Pauch** – added that it is not unusual to have more than one house on one lot (as there was an issue with the internet connection, he was not able to finish his question). **Kimsey** – no questions, **Chair Rochelle** asked if in the OPRA request, any zoning approval had been found for the construction of the house. Ms. Bennett advised that none that she was able to find. As there were no further questions from the Board, **Kaczynski** asked how house #2 is currently being used. Ms. Bennett advised that they have a tenant until the end of the month and then it will be empty. She said up until a few years ago it was used by family. There were no other questions from the Board professionals. **Chair Rochelle** asked if there were any questions from the public for Ms. Bennett.

Thatcher continued with a summary. He asked that what everyone should understand is that Ms. Bennett inherited the property with her siblings from her mother and father and inherited the messes with it. He advised we know the following, that the zoning officer and the construction official completed investigations with this house during the 1990’s. Permits were issued for the construction of this house in 1994. In 1996, there was a warning from the health department regarding the sewage system and in 1999, the owners received a notice of violation for no certificate of occupancy. The septic

was approved approximately 5 months later and that is where the history stops at least he could find from the public record and the Alexandria Township offices. In 2006, there was a minor subdivision lot line adjustment that affected this lot and block. The subdivision map clearly shows that on the lot and block in question there are two single family residences. This same map was utilized for Farmland Preservation and again you can see there were two single family residences on the property. He advised that if this had been an issue before the Farmland Preservation, the owners could have subdivided the property and had given each one of those homes their own lot and then there would not be two houses on one lot. But by virtue of the fact that Farmland Preservation was granted, there is no further subdivision permitted and can not be subdivided. Had they not done the Farmland Preservation they could have received the subdivision. He feels that there is an equal share of blame for the current situation. They know that the Bush's have been paying taxes on both homes for years. When Mr. Bush died and his wife pre-deceased him, his daughter applied for construction clearance. She found an open permit and resolved it. She received clearance on both homes, received smoke certifications and did not have any issues until a year ago when she was told you can't have two homes on one lot. These homes were visible the entire time. They have been occupied by family members or others since the 1990's and there were no complaints with respect to the two homes. He reminded the Board members that the owners have put 40 acres into Farmland Preservation which is a plus for Alexandria Township, since residents like the rural countryside. This property was before the Board in 2005 & 2006 and was not an issue then and should not be an issue now. He feels a use variance for two homes on this lot should be granted. Thatcher reminded the Board of Ingram's testimony from August that it meets the negative criteria and he advised that it doesn't fly in the face of the zoning ordinance.

Kaczynski advised that the applicant is applying to the Board for a D-1 Use Variance, and there was discussion at the last meeting about the H-2a. Accessory Conditional Use. Thatcher advised the accessory conditional use is limited to farm workers and feels that the applicant has lived without that restriction for decades and doesn't feel its necessary now. Thatcher said obviously it is a better alternative to having to tear down the home and the Township benefits by having it on the taxes. Thatcher and the applicant would prefer the variance over the conditional use. **Chair Rochelle** advised to go through the roll call for any questions from the Board. **Papazian, Fritsche, Freedman**, no questions. **Tucker** asked what the lot line adjustment was for in 2006. Ms. Bennett advised that lot line adjustment was for his father's brother who lived next door and put in a septic that encroached on her father's land. She continued that before the land preservation would accept her father's farmland into the preservation, they had to sell that piece of land to her aunt and uncle and complete a lot line adjustment. **Pauch, Kimsey** – no questions. **Chair Rochelle** felt that the evidence was not conclusive with regards to zoning conformance and asked if there was additional evidence. Thatcher advised that he sent OPRA requests to every possible department that he could but not sure if there is additional information like a zoning clearance buried somewhere. He tried to be transparent and give every bit of information that he could to the Board whether it was beneficial to them or not. He advised it has been there without objection for so long and could have been made conforming if it weren't for the Farmland Preservation and feels the applicant should be looked upon favorably. **Kaczynski** advised there needs to be additional Board deliberation and then open it up to the public and receive comments from the Board professionals. She advised the Board that the before the Board today is the use of the house. According to the Ordinance, the accessory conditional use of that secondary accessory residential dwelling for purposes of domestic servants, caretakers, farm labor, family members or occasional guests is allowed. It has been used that way up until the last tenant. Maybe they are not seeing the typical approval of the second building but there is evidence that it was there and visible as Jay pointed out for some time. **Chair Rochelle** opened up the hearing to comments from the public.

Comments from the Public

Jocelyn Manship, Blk 23 Lot 7, advised her property abuts the property in question. She has exception to the fact that it is a lovely house and a bit of an eyesore. She does give credit to the Bush's for putting the property in Farmland Preservation however, she feels allowing a zoning variance for this property which is in violation of the zoning laws sets a bad precedence. As there were no further public comments, a motion was made to close public session by **Kimsey** and seconded by **Pauch**. Ayes: **Chair Rochelle, Papazian, Fritsche, Freedman, Tucker, Pauch and Kimsey**. No Nays. **Motion Carried**.

Comments from the Board

Banisch commented that the applicant and attorney did a good job of piecing together the history. The candid disclosure about how the Bush's son was living in the old milk house and was the evolution of a farm building into a residential dwelling on the property. The history given describes how that happened however regrettably there was never evidence of local zoning approval that authorizes the use of that building as a second single family dwelling on that lot. The Ordinance does include provisions for a conditional use of a secondary residential dwelling. He continued within the set of circumstances that have been outlined by the applicant and the attorney the rational that Alexandria Townships ordinance has a conditional use called the Accessory residential Dwelling unit and they can have two houses on a lot per the ordinance. The dividing line between what the applicant is requesting and what the definition of the ordinance permits is a pretty clear distinction. The applicant is requesting permission to treat these two single family dwellings as two principal dwellings and the entitlement to rent out both properties if they so choose or occupy one and rent out the other. He advised with regards to the property owner paying taxes on both dwellings that taxes are based upon the fact that the tax assessor will tax based upon all the improvements and puts together a value. This does not grant zoning approval or municipal authorization. It is just the assessor recognizing what exists on the property. It is not determinative if it is a legal second structure. With regards to the argument of Farmland Preservation, **Banisch** advised the Board and the public that this is irrevocable and will remain in Farmland Preservation for perpetuity and the property owner was compensated for this. He advised there are a couple of other ways to look at this. Firstly, in the context of the use variance, there is no significant public benefit from the granting of the use variance, and does not benefit the public welfare. An affordable housing unit would be a benefit to the public if they were asking for a use variance to permit the second dwelling to be leased out as an affordable housing unit under the municipal affordable housing obligation that would be a benefit to the public. The property conforms to the H-2a. Residential Dwelling unit as per **Banisch's** report and the only missing criteria are that "such a structure shall be utilized by domestic servants, caretakers, farm labor or family members and for occasional gratuitous guests". One means of promoting the general welfare would be if this variance were for an affordable dwelling unit on the property which typically carry 30-year deed controls. In a property like this it would be appropriate to designate it a moderate-income unit that would carry a 30-year deed restriction, those rents generally speaking are in line with market rate rents for our housing region. He surmised that would establish a purpose for by which the granting of the variance would promote the general welfare. No further comments from the Board professionals.

Kaczynski advised the applicant has requested to proceed with the D-1 Variance which would be to allow for two principle uses for single families on the lot, so there would need to be a motion to grant that relief as requested. They have also applied in the alternative for the accessory residential dwelling unit that would be the next motion that the Board would need to consider. She asked Thatcher if based upon the comments from **Banisch**, if he would like to make any amendments for the Board to consider. Thatcher advised that he would like a vote on the Variance application. If it is not carried, he would like a resolution for what they applied for in the alternative which is the H-2a. **Kaczynski** advised the first

would be a motion with regard to the D-1 variance for two principle uses, the two single-family homes that could be independently occupied and or rented on that lot and then the Board would need to have a discussion and a vote. Chair Rochelle entertained a motion to approve the D-1 Variance **Tucker** made the motion which was seconded by **Kimsey**. There was a roll call for discussion. **Papazian, Kimsey** – no comments, **Fritsche**, commented that the H-2A is arbitrary to who has to make that decision. He feels in the second house, the caretaker job of mowing the grass or plowing the snow, meets the requirement. He feels because the house is there and that it meets the requirement it should have the unrestricted second unit and to comply it would be something as simple as mowing the grass. **Freedman** is concerned about the precedent that this sets. She expressed her concerns about someone who has a second structure that morphs into a residential unit. She is concerned about the history of this dwelling and the way that it happened, one piece at a time. In addition, the fact that there's a lot of properties in Alexandria that you can't see from the road makes it easier to have a situation such as this. She wants to be sure that the board isn't setting a precedent for this type of situation. **Tucker** felt strongly that the comments from JCP&L advising that they would not have turned on the power without the proper permits and the documents presented are enough to show that they started down the path to have a legal structure and to approve the variance. **Pauch** felt that this is not groundbreaking territory and there is a history of such homes in the township and felt that it is true that JCP&L would not have hooked up the power without proper permits. **Chair Rochelle** commented that he is concerned about the precedent this sets and wanted to address the misconception that JCP&L will not hook up power to something that hasn't been inspected. He doesn't want the Board to misunderstand that by JCP&L hooking up power, it does not qualify this as a stand-alone house with approvals. The approvals mentioned were to have the electrical work inspected in order to hook up the home. **Chair Rochelle** advised he would entertain a motion for the two stand alone dwellings on the lot.

Kaczynski advised there needs to be a motion to approve the D-1 variance with five affirmative votes. **Tucker** made the motion seconded by **Kimsey**. **Ayes: Papazian, Fritsche, Tucker, Pauch and Kimsey.** **Nayes: Chair Rochelle and Freedman. Motion Carried.**

- **De Sapia Properties #6 Inc. and Delaware River Tubing, Inc. – Amended Site Plan**
Block 17.01 Lot 12
776 Milford-Frenchtown Road

Kaczynski advised that there is a completeness issue as well as a noticing issue. She advised there has been a change in the completeness items that were submitted to the Board. **Decker** continued that the Board received revised plans late last week in the application. In his June 29, 2020 review letter, he had a number of items requested. He had requested that a letter be submitted addressing the comments providing that if there were any revisions, which was not received, he did receive the traffic reports but there were a number of items that were not addressed. There was no landscaping or screening. He advised the main item that all the stormwater management design was removed from the plans. In the beginning of January, he completed a completeness review, and the application was deemed incomplete. One of the items that the applicant was deemed incomplete for was stormwater management. The amount of additional impervious coverage for the lot exceeded the ¼ acre of additional impervious which triggers stormwater management. The applicant then submitted revised plans which did have stormwater management on it, the application was then deemed complete. A technical review was done and there were 17 comments on stormwater management alone. The submission that the applicant has now no longer has stormwater management, yet the impervious area calculations on the plans still indicate that they are over the ¼ acre of additional impervious and stormwater management is still required but has been removed. There is no longer a complete

application before us. **Chair Rochelle** asked if the application can still move forward. **Kaczynski** advised that the Board has already determined that Stormwater Management is a component that the applicant would need to have and review in connection with the application and that is why the applicant provided it and was one of the reasons why the application was deemed complete. Removing that now makes the application incomplete and does not give the Board what it determined it needed in order to proceed. She recommends that since the board has made that determination and since this has been removed it is no longer complete at this point. The applicant's attorney, Mr. De Sapio, asked to be heard on this issue before a decision is made. He didn't remember the history of it being deemed incomplete originally because stormwater management was not presented, but the reason why the proposal was removed is that their position is that this is a temporary overflow parking that will be used approximately 20 days per year. Therefore, the engineer's recommendation that it be paved is not reasonable. For a number of reasons that they will argue in their presentation including the fact that it is not needed to be used in all-weather when it is only a temporary overflow. There are no proposed changes or modifications in that area to make that area further impervious. Therefore, retention basins and other stormwater management provisions are not necessary. They would like to have that opportunity to make an argument before the board. When and if the board is to determine that it is necessary, they will propose that the original material that was submitted would be a plan amendment at that time. Any questions that Mr. Decker had about that proposal would be addressed during that presentation. **Decker** advised that the recommendation for the pavement was made in his review letter after the application was complete. The reason why stormwater management was part of his review is because their plans at the time indicated in the table that they were adding approximately 14K sf of additional impervious coverage and gravel counts as impervious. The plans continue to show an addition of 14k sf of gravel. He advised the condition hasn't changed from the original application and the additional 14k sf is still proposed, therefore the stormwater management regulations are triggered. He understands that the applicant has stated that the area has always been gravel, however he advised that is not the case if you look at the survey which was submitted and prepared by Mr. Sniffin that clearly delineates the limit of gravel which does not encompass the entire overflow parking area. **Decker** advised that it is his opinion that stormwater management is still required. He also received an email from Jeff Symons, the applicant's engineer, basically saying not that they were not proposing any stormwater management, but that they were going to redesign the stormwater management so that it is not a single basin and is more split up, as is required by NJDEP stormwater management requirements. **Decker** advised he is getting mixed messages that either it is being designed or it is not. If it is not then being concluded then it would require a completeness waiver, but that is not something he would recommend as he did not recommend it back in January.

Chair Rochelle advised that there are a couple of issues; one being that a plan was submitted that the Board took the time to review, contemplate and deem complete and now a second plan was submitted that has been altered which removed stormwater management. He believes that this makes the application incomplete by the applicant's own doing. He also believes that this triggers an issue with the notice of hearing. **Kaczynski** advised the notice of hearing is a secondary issue. In addition to a variance, that they would need in order to not provide the stormwater requirements, which it triggers DEP approvals, all of our approvals would be subject to any other outside agency approvals, which that would be one upon Decker's testimony. But even if the stormwater management issue did not come up tonight, there are a number of variances that were identified from the very beginning both in **Banisch's** and **Decker's** reports and the notice that was provided to us does not outline any variances. The notice has a catch all phrase in it but the law has dictated that to the extent that variances are known at the time the notice is provided and published that they must be identified. The catch all is not used in place of identifying variances but is used and intended to be used in case something comes up during a

hearing that was not originally identified or came about as a result of a hearing change or as a result of something that was inadvertently overlooked. The notice needs to be sufficient in order to afford property owners within 200' and other affected individuals the opportunity to come and to listen to exactly what is being asked for. She continued that there was not even really a description to what the amended site plan is going to provide. Outside of this completeness issue which certainly is important and needs to be dealt with first, she would not be able to recommend to the Board that the notice was sufficient in order to proceed and she would rule that the applicant does not have jurisdiction over the hearing for tonight. De Sapio asked for clarification and asked if the Board attorney is saying that it is the applicant's responsibility to go through Mr. Decker's letter of June 29th and everywhere that he says a variance is required to specifically delineate that variance in the notice. **Kaczynski** advised that is correct. De Sapio asked for a 5-minute recess.

At 9:30pm Mr. De Sapio came back from the recess. He apologized for the insufficient notice and that there is no choice but to give another notice and schedule this for next month. What they would like to do in the stormwater management would be to submit a supplemental plan that describes a stormwater management proposal. He would like to make an argument and to furnish proof that the conditions do not exist which would require stormwater management but to give the Board an alternative plan which it could evaluate if it determines that stormwater management is required. **Chair Rochelle** asked if that would require them to go back to a completeness review. **Kaczynski** asked to clarify her understanding that for purposes of being deemed complete again that there would be a stormwater management plan presented to the Board that the Board would look at and utilize to check off that completeness item. She asked De Sapio if the applicant is looking to submit a different stormwater management plan for completeness purposes only and then there would be the hearing to make a determination or an argument to the Board that stormwater management would not be required. De Sapio advised that is correct. **Kaczynski** asked if it was the applicant's intention to provide to the Board a determination from the DEP that concurs with his assessment. De Sapio advised that he was under the impression that Alexandria Township has exclusive jurisdiction over stormwater management and not the DEP. **Decker** advised his concern is that if they check the box for stormwater by putting something back on and maybe it is what was there before then the 17 comments are still outstanding. He continued that he understands the applicant wants to make the argument that they don't need stormwater management which they are entitled to make. He continued that he would request that those arguments be provided in writing 10 days before the meeting along with any supplemental evidence so that he can review them beforehand rather than trying to guide the Board on why during the public hearing. De Sapio agreed and asked if that would include the supplemental prints to be submitted 10 days before the meeting as well. **Kaczynski** asked that due to the Holiday in November that it be prior to the 10 days. The supplemental prints and argument would need to be submitted by November 5th in order for the Board Engineer to review. **Kaczynski** advised she will take a look at the notice prior to it being published. De Sapio asked Decker if he wants a letter that says what has been changed from the previous plan. **Decker** advised he would a summary from De Sapio addressing point by point as to how the plans have been revised, or how things are being addressed or if the applicant has decided not to address something than to include that in the summary. **Banisch** asked if the relief being requested from Stormwater be included in the notice along with the variances. **Kaczynski** recommended that everything be included so that there is no question. **Kaczynski** asked **Decker** if he agreed that this was strictly an Alexandria Township issue and not a DEP issue. **Decker** advised that one of his comments in his review letter was that where the basin was located before it was discharging into an area that could contain wetland, and one of his comments was to have that delineated. Under the original application, it was within the footprints of areas that had already been disturbed. This would create a discharge point and stormwater where there is potential for wetlands or buffer and that should be evaluated. It is his

opinion that DEP may have jurisdiction and advised that Hunterdon County Soil Conservation would be looking at this from the standpoint of stormwater management. **Kaczynski** advised the motion is that due to the changes in the most recent plan submission the Board deems the application incomplete, however the incompleteness can be corrected by submitting the plans with the stormwater to the engineer and a letter indicating what has been changed to the stormwater management plans and the other requested documents to the Board. Once received and per the Board engineer's determination, the application could be deemed complete and the hearing could proceed on November 19th as well. **Chair Rochelle** asked for a motion as per the attorney's comments. **Freedman** made the motion seconded by **Tucker**. **Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Tucker, Pauch and Kimsey. No Nays. Motion Carried.** **Banisch** advised that the Board should ask for an additional time period extension. It was decided that the time extension should be for 120 days. De Sapio advised no objection and would submit a letter in writing to the Board.

Comments from the Board/Public

Freedman made a procedural suggestion that if in the future we can ask the applicant to put a descriptive file name in the electronic copies in order to more easily follow the exhibits. **Kaczynski** advised that we can certainly ask for that as an option but can not require it.

Motion to Adjourn

A motion to adjourn was made by **Kimsey** and seconded by **Tucker** at 9:47pm. **Vote: All Ayes. No Nays. Motion Carried.**

Leigh Gronau, Board Secretary